

Hazmat Refresher Training

Who, what, when and how.

California Emergency Management Agency (CalEMA)
California Specialized Training Institute (CSTI)
Hazardous Materials Section

Hazmat Refresher Training

The subject of refresher training for hazmat responders is frequently misunderstood. Although the applicable paragraph in the OSHA regulation is straight forward and clearly worded responders are often given conflicting and incorrect information. This can lead to unnecessary or improper training—wasting scarce training dollars.

This document seeks to explain this subject and give responders guidance on how to meet the refresher training requirement.

If you have any questions or comments you can contact me at the phone number or email address listed below.

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Refresher Training—CalOSHA Hazwoper Regulation

The OSHA regulation on Hazardous Waste Operations and Emergency Response (Hazwoper) is found in Title 8 of the California Code of Regulation §5192. This regulation addresses waste site cleanup, operations at treatment, storage and disposal facilities (TSDF) and emergency response. This document discusses the requirements of Title 8 §5192(q), Emergency Response.

The regulation states:

(8) Refresher training.

(A) Those employees who are trained in accordance with subsection (q)(6) of this section shall receive annual refresher training of sufficient content and duration to maintain their competencies, or shall demonstrate competency in those areas at least yearly.

(B) A statement shall be made of the training or competency; and if a statement of competency is made, the employer shall keep a record of the methodology used to demonstrate competency.

That's it. Do it, document it.

This regulation doesn't specify *any* minimum duration for this training. It doesn't have *any* requirements for course content. It doesn't even require a refresher *class*. And no, your certification doesn't expire if you don't get refresher training.

Refresher Training—OSHA Policy

There is a directive from OSHA that tells their compliance staff how to enforce this regulation. They also publish letters of interpretation that answer specific questions about the regulations.

The directive is CPL 02-02-073, Inspection Procedures for 29 CFR 1910.120 and 1926.65, Paragraph (q): Emergency Response to Hazardous Substance Releases. It "...updates policies and provides clarification to ensure uniform enforcement of paragraph (q) of the Hazardous Waste Operations and Emergency Response Standard (HAZWOPER), 29 CFR 1910.120 and 1926.65, which covers emergency response operations for releases of, or substantial threats of releases of, hazardous substances without regard to the location of the hazard." They have published several letters of interpretation on this subject in the past. Most have been incorporated into this directive.

CPL 02-02-073 provides the following guidance about refresher training for hazmat emergency response: (I've inserted comments after each paragraph. They are in italics.)

“Provisions for employee training must be incorporated into the ERP (Emergency Response Plan). This might include a general outline of the training to be completed for each of the various levels of emergency responders addressed in the ERP, or a reference to the location of the training manual. The plan should also address a schedule for required annual refresher training.”

Your agency must have an official policy on how they will conduct refresher training.

“Time spent by emergency response employees reviewing incidents can be credited toward their refresher training requirements under 1910.120(q)(8).”

You don't need a class! You need “training” and this is not just semantics. It's an important distinction.

“Compliance Safety and Health Officers must evaluate the adequacy of emergency responder training...by interviewing the employer, employee representatives, and employees who may be involved in an emergency involving hazardous substances in order to determine their ability to perform their designated response roles and responsibilities.”

Yes, they will ask. If you can't give adequate answers to these questions then press hard, four copies. (Tell this to your training person if they deny your request for refresher training.)

“OSHA's intent is that employees should complete their refresher training within twelve months of their initial training, although sometimes courses may be missed due to unavoidable circumstances. In such an event, employees should take the next available refresher training course. However, there should be a record in the employee's file indicating why the training has been delayed and when the training will be completed. If the employee has gone without refresher training for more than twelve months, the employer must evaluate whether the initial comprehensive training needs to be repeated.”

You have to do it once a year. Your certification doesn't expire if you don't get the training.

“Refresher training may be given in segments throughout the year so long as the required training has been completed by the employee's anniversary date. Time spent by emergency response employees reviewing incidents can also be credited toward their refresher training requirements.”

You have to do it once a year but you get to pick when you do it. Reviewing past incidents counts as refresher training? Yes (i.e. you don't need a “class”).

“The employer must have a “statement of training” or “statement of competency” for annual refresher training or competency for all employees trained in emergency response.”

The job's not done until the paperwork's finished!

OSHA published an interpretation letter after they issued CPL 02-02-073. It says:

“It is important to note that training required under 1910.120(q) is dependent upon the anticipated duties and functions of the responder. Training and competencies must be consistent with each employee's anticipated role. For example, while the course topics you outlined could be suitable for operations level or HAZMAT technician refresher training, they may not provide proper refresher training for personnel assigned as incident commanders, i.e., individuals who assume control of the incident scene.”

What must your refresher training include? It depends. Depends on what? It depends on what you do. Can you attend a one-size-fits-all training session? No. It must be tailored to “...the anticipated duties and functions of the responder.” Generic refresher training won't cut it.

Refresher Training—FAQ

What training do you need? It depends on what you do.

How often should you receive this training? Annually.

What must this training include? It depends on what you do.

Does OSHA require you to receive refresher training? Yes.

Do you need a “class?” No. (A 24-hour class? No.)

How long must the training be? It's up to your employer.

Refresher Training—Summary

Yes, you have to do it. How long it takes, when you do it and what it must include are up to your employer. There is no requirement for minimum hours nor is there a standard course. If anyone tells you otherwise they are simply wrong.

An employer has four options for conducting refresher training.

1. Conduct formal refresher training (i.e. a class).
2. Document response activities (i.e demonstrate competency.)
3. Participate in exercises (i.e demonstrate competency.)
4. Review past incidents.

How you choose to do that is up to you.

As the knight in *Indiana Jones and the Last Crusade* said, “Choose wisely...”